

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
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CLEVELAND, OH 44114

PCT

WRITTEN OPINION

(PCT Rule 66)

Date of Mailing (day/month/year)		30 NOV 2003
Applicant's or agent's file reference		RBPLY DUE
MS302992.02		within 2 months/days from the above date of mailing
International application No.	International filing date (day/month/year)	Priority date (day/month/year)
PCT/US03/41526	31 December 2003 (31.12.2003)	25 February 2003 (25.02.2003)
International Patent Classification (IPC) or both national classification and IPC		
IPC(7): G06F 15/16 US Cl: 709/206, 217		
Applicant		
MICROSOFT CORPORATION		

- This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.
- This opinion contains indications relating to the following items:
 - ☒ Basis of the opinion
 - ☐ Priority
 - ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - ☐ Lack of unity of invention
 - ☒ Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - ☒ Certain documents cited
 - ☐ Certain defects in the international application
 - ☐ Certain observations on the international application
- The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
- The final date by which the international preliminary examination report must be established according to Rule 69.2 is _____.

Name and mailing address of the IPEA/US
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Form PCT/IPEA/408 (cover sheet)(July 1998)

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WRITTEN OPINION

International application No.

PCT/US03/41526

I. Basis of the opinion

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
 pages 1-31, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____
- ☒ the claims:
 pages 32-41, as originally filed
 pages NONE, as amended (together with any statement) under Article 19
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____
- ☒ the drawings:
 pages 1-2, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____
- ☒ the sequence listing part of the description:
 pages NONE, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig. _____

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(e)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

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WRITTEN OPINION

International application No.
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V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)

Claims 1-63 YES
Claims NONE NO

Inventive Step (IS)

Claims NONE YES
Claims 1-63 NO

Industrial Applicability (IA)

Claims 1-63 YES
Claims NONE NO

2. CITATIONS AND EXPLANATIONS

Claims 1-63 lack an inventive step under PCT Article 33(3) as being obvious over Stockwell in view of Buskirk.

Claims 1-63 are directed to a mail filtering system. Stockwell has given extensive treatment to mail filtering systems in columns 7-9 and column 11 and columns 13-15. A message was analyzed and forwarded based upon the characteristics of the message. Statistical means were factors in this analysis. Buskirk taught the routing or performing of an action upon email using confidence values, specifically referred to as statistical analyses in column 3, lines 53-64, column 4, lines 37-64, and column 5, lines 1-53. The combination of the statistical analyses in Buskirk and the mail filtering system of Stockwell, which are analogous pieces of prior art, clearly demonstrates that claims 1-63 lack an inventive step over the cited prior art.

Claims 1-63 meet the criteria set out in PCT Article 33(4) and thus have industrial applicability because the subject matter claimed can be made or used in industry.

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International application No.

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VI. Certain document cited

1. Certain published documents (Rule 70.10)

Application No <u>Patent No.</u>	Publication Date <u>(day/month/year)</u>	Filing Date <u>(day/month/year)</u>	Priority Date (valid claim) <u>(day/month/year)</u>
6,072,942A	6/6/2000	18/9/1996	
6,424,997 B1	23/7/2002	27/1/1999	
6,199,102 B1	6/3/2001	26/8/1997	
6,477,551 B1	5/11/2002	16/2/1999	
6,101,531 A	8/8/2000	15/4/1998	19/12/1995
5,884,033 A	16/3/1999	15/5/1996	
5,619,648 A	8/4/1997	30/11/1994	
6,484,261 B1	19/11/2002	11/12/1998	17/2/1998

2. Non-written disclosures (Rule 70.9)

<u>Kind of non-written disclosure</u>	Date of non-written disclosure <u>(day/month/year)</u>	Date of written disclosure referring to non-written disclosure <u>(day/month/year)</u>
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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

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